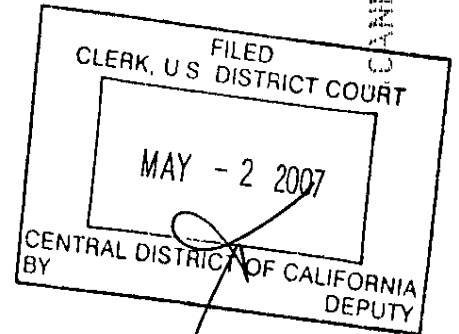


SEND



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JERI DEMSKY and FRANK DEMSKY wife
and husband, et al.,

Plaintiff(s),

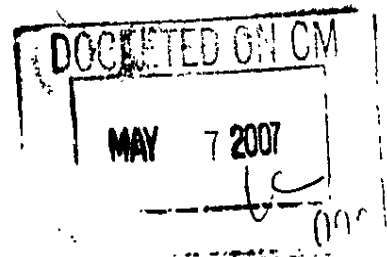
v.

MERCK & CO., INC., et al.,

Defendant(s)

CASE NO. CV-07-2839-RGK (JWJx)

**STANDING ORDER REGARDING
NEWLY ASSIGNED CASES**



READ THIS ORDER CAREFULLY. IT CONTROLS THIS CASE.

This action has been assigned to the calendar of Judge R. Gary Klausner. The responsibility for the progress of litigation in the Federal Courts falls not only upon the attorneys in the action, but upon the Court as well. "To secure the just, speedy, and inexpensive determination of every action," Federal Rule of Civil Procedure 1, all counsel

are hereby ordered to familiarize themselves with the Federal Rules of Civil Procedure, particularly Federal Rules of Civil Procedure 16, 26, the Local Rules of the Central District of California, this Court's Order for Jury Trial, and this Court's Order for Court Trial.¹

UNLESS OTHERWISE ORDERED BY THE COURT, THE FOLLOWING RULES SHALL APPLY:

1. Service of the Complaint. The Plaintiff(s) shall promptly serve the Complaint in accordance with Fed. R. Civ. P. 4 and file the proofs of service pursuant to Local Rule. Any Defendant(s) not timely served shall be dismissed from the action without prejudice. Any "DOE" or fictitiously-named Defendant(s) who is not identified and served within 120 days after the case is filed shall be dismissed pursuant to Federal Rule of Civil Procedure 4(m).

2. Removed Actions. Any answers filed in state court must be refiled in this Court as a supplement to the petition. Any pending motions must be re-noticed in accordance with Local Rule. If an action is removed to this Court that contains a form pleading, i.e., a pleading in which boxes are checked, the party or parties utilizing the form pleading must file an appropriate pleading with this Court within thirty (30) days of receipt of the Notice of Removal. The appropriate pleading referred to must comply with the requirements of Federal Rules of Civil Procedure, Rules 7, 7.1, 8, 9, 10 and 11.

3. Presence of Lead Counsel. The attorney attending any proceeding before this Court, including all status and settlement conferences, must be the lead trial counsel.

4. Discovery. All discovery matters have been referred to a United States Magistrate Judge to hear all discovery disputes. (The Magistrate Judge's initials follow the Judge's

¹Copies of the Local Rules are available on our website at "<http://www.cacd.uscourts.gov>" or they may be purchased from one of the following:

Los Angeles Daily Journal
915 East 1st Street
Los Angeles, CA 90012

West Group
610 Opperman Drive
P.O. Box 64526
St. Paul, MN 55164-0526

Metropolitan News
210 South Spring Street
Los Angeles, CA 90012

1 initials next to the case number.) All documents must include the words "DISCOVERY
2 MATTER" in the caption to ensure proper routing. Counsel are directed to contact the
3 Magistrate Judge's Courtroom Deputy Clerk to schedule matters for hearing. Please do not
4 deliver courtesy copies of these papers to this Court.

5 The decision of the Magistrate Judge shall be final, subject to modification by the
6 District court only where it has been shown that the Magistrate Judge's order is clearly
7 erroneous or contrary to law. Any party may file and serve a motion for review and
8 reconsideration before this Court. The moving party must file and serve the motion within
9 ten (10) days of service of a written ruling or within ten (10) days of an oral ruling that the
10 Magistrate Judge states will not be followed by a written ruling. The motion must specify
11 which portions of the text are clearly erroneous or contrary to law, and the claim must be
12 supported by points and authorities. Counsel shall deliver a conformed copy of the moving
13 papers and responses to the Magistrate Judge's clerk at the time of filing.

14 **5. Motions.** Motions shall be filed and set for hearing in accordance with Local Rule,
15 except that this Court hears motions on Mondays commencing at 9:00 a.m. If Monday is a
16 national holiday, this Court will hear motions on the succeeding Tuesday. If the date the
17 motion was noticed for hearing is not available, the Court will issue a minute order resetting
18 the date. Any opposition or reply papers due on a holiday are due the **preceding** Friday, not
19 the following Tuesday and must be hand-served or faxed to opposing counsel on that Friday.
20 **Memoranda of Points and Authorities in support of or in opposition to motions shall**
21 **not exceed 20 pages. Replies shall not exceed 10 pages.** Only in rare instances and for
22 good cause shown will the Court agree to extend these page limitations. Pursuant to Local
23 Rule, either a proportionally spaced or monospaced face may be used. A proportionally
24 spaced face must be 14-point or larger, or as the Court may otherwise order. A monospaced
25 face may not contain more than 10½ characters per inch.

26 Without prior permission from the Court, no party may file more than one motion
27
28

1 pursuant to Fed.R.Civ. P. 56 regardless of whether such motion is denominated as a motion
2 for summary judgment or summary adjudication.

3 **6. Proposed Orders.** Each party filing or opposing a motion or seeking the
4 determination of any matter shall serve and lodge a proposed order setting forth the relief or
5 action sought and a brief statement of the rationale for the decision with appropriate citations.

6 **7. Telephonic Hearings.** The Court does not permit appearances or arguments by
7 way of telephone conference calls.

8 **8. Ex Parte Applications.** The Court considers ex parte applications on the papers
9 and does not usually set these matters for hearing. If a hearing is necessary, the parties will
10 be notified. Ex parte applications are solely for extraordinary relief and should be used with
11 discretion. Sanctions may be imposed for misuse of ex parte applications. See Mission
12 Power Engineering Co. v. Continental Casualty Co., 883 F.Supp. 488 (C.D. Cal. 1995).

13 Counsel's attention is directed to the Local Rules. The moving party shall serve the
14 opposing party by facsimile transmission and shall notify the opposition that opposing papers
15 must be filed not later than 3:00 p.m. on the first business day following such facsimile
16 service. If counsel does not intend to oppose an ex parte application, he or she must inform
17 the Courtroom Deputy Clerk at (213) 894-2649.

18 **9. Continuances.** This Court has a strong interest in keeping scheduled dates certain.
19 Changes in dates are disfavored. Trial dates set by the Court are firm and will rarely be
20 changed. Therefore, a stipulation to continue the date of any matter before this Court **must**
21 be supported by a sufficient basis that demonstrates good cause why the change in the date
22 is essential. Without such compelling factual support, stipulations continuing dates set by
23 this Court will not be approved. Counsel requesting a continuance must lodge a proposed
24 stipulation and order including a **detailed** declaration of the grounds for the requested
25 continuance or extension of time. See Local Rules. Failure to comply with the Local Rules
26 and this Order will result in rejection of the request without further notice to the parties.


1 Proposed stipulations extending scheduling dates do not become effective unless and until
 2 this Court so orders. Counsel wishing to know whether a stipulation has been signed shall
 3 comply with the applicable Local Rule.

4 **10. Communications with Chambers.** Counsel shall not attempt to contact the
 5 Court or its staff by telephone or by any other ex parte means. Counsel may contact the
 6 Courtroom Deputy Clerk with appropriate inquiries only. Counsel shall not contact the
 7 Courtroom Deputy regarding status of ex parte application/ruling or stipulation/ruling. If
 8 counsel desires a conformed copy of any proposed order submitted to the Court, counsel shall
 9 provide an extra copy of the document, along with a self-addressed, stamped envelope.
 10 Counsel should list their facsimile transmission numbers along with their telephone numbers
 11 on all papers to facilitate communication with the Courtroom Deputy.

12 **11. Order Setting Scheduling Conference.** Pursuant to Federal Rule of Civil
 13 Procedure 16(b), the Court will issue an Order setting a Scheduling Conference as required
 14 by Federal Rule of Civil Procedure 26 and the Local Rules of this Court. Strict compliance
 15 with Federal Rules of Civil Procedure 16 and 26 is required.

16 **12. Notice of this Order.** Counsel for plaintiff or plaintiff (if appearing on his or
 17 her own behalf) shall immediately serve this Order on all parties, including any new parties
 18 to the action. If this case came to the Court by a Petition for Removal, the removing
 19 defendant(s) shall serve this Order on all other parties.

20
 21 DATED: MAY - 2 2007

22 
 23 _____
 24 R. GARY KLAUSNER
 25 United States District Judge
 26
 27
 28